

REMARKS

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,629,584, which issued to Borowiec et al.

The Examiner is of the opinion that Borowiec et al discloses an arc discharge lamp with an arc chamber attached to an amalgam tip, an amalgam retainer abutted against the constricted area and amalgam contained within the tip.

Applicant respectfully submits that the Borowiec et al patent cited by the Examiner as anticipating the instant invention, does not contain all of the material elements recited in Applicant's claims. With particular attention to column 3, lines 45-62, Borowiec et al teaches the use of a dose locating member 30 comprising one or more glass balls. The combination of the dose locating member 30 and a dimple 22 formed in an exhaust tube 20 results in placement and retention of amalgam 32. Applicant submits that Borowiec et al fails to disclose, for example, an amalgam retainer that is vibration-insensitive and mercury vapor pervious as recited in independent Claim 1. Clearly, the glass ball used by Borowiec et al as a dosing locating member is not pervious to mercury vapor. Also, there is no teaching that the dosing locating member is insensitive to vibration. In view of the above, Applicant submits that the rejection is deemed improper since Borowiec et al does not satisfy the essential requirement for a proper rejection under 35 U.S.C. § 102(b). Allowance of independent Claim 1 is respectfully urged.

Dependent Claims 5-7, dependent on independent Claim 1 and thus on subject matter deemed patentable, are similarly viewed. Allowance thereof is also urged.

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borowiec et al in view of U.S. Patent No. 5,075,160, which issued to Stinton et al.

The Examiner states that Borowiec et al fails to clearly point out a retainer comprising ceramic felt fibers of mixed aluminum and silicon oxides with a diameter of <10 microns. Stinton is cited by the Examiner as disclosing the use of ceramic felt fibers <10 microns diameter of mixed aluminum and silicon oxides in order to remove particulate matter from high temperature gases. The Examiner concludes that it would

have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Borowiec with the ceramic felt fibers <10 microns diameter of mixed aluminum and silicon oxides in order to remove particulate matter from high temperature gases as taught by Stinton.

The above rejection is respectfully traversed and reconsideration thereof is requested. Applicant respectfully submits that there is no teaching, suggestion, or motivation for modifying the cited references in the manner proposed by the Examiner.

With particular attention to column 1, lines 9-32, Stinton suggests using a fiber-reinforced ceramic filter with technologies which will utilize coal as a way of improving the efficiency of fossil fuel systems. Typical of these technologies are combined-cycle coal gasification, combined-cycle pressurized fluidized bed combustion, direct coal-fired gas turbines, and coal gasification molten carbonate fuel cell systems. Stinton is concerned with the removal of sulfur, alkali metals, NO_x and solid particulates from the gas stream in order to protect metallic components of the turbine system from corrosion and erosion.

Applicant respectfully submits that under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or incentive to do so. There is no teaching, suggestion, or motivation for modifying the cited references by using Stinton's coal-technology filter in Borowiec's fluorescent lamp in order to remove particulate matter from high temperature gases as proposed by the Examiner. Clearly, one skilled in the art attempting to prevent amalgam from settling within the arc environment of a discharge lamp would not have been motivated to look at Stinton's filter as a substitute for Borowiec's glass balls.

It is respectfully submitted that the only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Applicant. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Absent such teaching or suggestion, the invention as defined by dependent Claims 2-4 is deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of dependent Claims 2-4 is respectfully urged.

The Application with Claims 1-7 is deemed in condition for allowance and such action is respectfully urged. Should the Examiner believe that minor differences exist which, if overcome, would pass the Application to allowance and that said differences can be discussed in a phone conversation, the Examiner is respectfully requested to phone the undersigned at the number provided below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Carlo S. Bessone', written in dark ink.

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